

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

|   |   |                             |
|---|---|-----------------------------|
| <b>UNITED STATES OF AMERICA</b>           | : |                             |
|   | : | <b>CRIM. NO. 3:22-CR-12</b> |
|   | : |                             |
| v.  | : |                             |
|   | : |                             |
| <b>AHKIL NASIR CRUMPTON</b>               | : |                             |
|   | : |                             |
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**NOTICE OF INTENT TO RELY ON EXPERT WITNESS TESTIMONY AND  
SUMMARY OF TESTIMONY OF FBI SPECIAL AGENT JAMES “JAY” BERNI**

COMES NOW the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, and pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and Federal Rules of Evidence 702, 703, and 705 files this Notice of Intent to Introduce Expert Witness and Summary of Testimony for Federal Bureau of Investigation (FBI) Special Agent James “Jay” Berni. The United States respectfully reserves the right to offer additional testimony by this expert, or other expert witnesses, and for the expert to amend or adjust his opinions and bases for those opinions due to information made known to the expert before or during trial.

Through SA Berni, the United States intends to offer expert testimony in the area of historical cell site analysis. SA Berni is presently assigned to the FBI’s Cellular Analysis Survey Team (CAST), which is tasked with providing cellular record analysis to federal, state, and local law enforcement agencies across the United States, and several other countries. As part of his regular duties, SA Berni provides cellular records analysis to law enforcement agencies, to include mapping and analyzing records provided by cellular telephone service providers.

A complete listing of SA Berni's education, training, presentations, professional experience, and certifications is provided in his Curriculum Vitae ("CV"), which is attached hereto as "**Government's Exhibit A**," which is hereby incorporated by reference into this Rule 16 Expert Witness Disclosure.

I. SA Berni's Publications and Prior Testimony

While SA Berni has not authored any publications within the past 10 years, he has testified numerous times as an expert witness during the previous 4 years. SA Berni's attached CV contains a list of forty-two (42) trials in which he was accepted as an expert in historical cell site analysis and testified as such in both state and federal courts. Although the Government is only required to provide a list of cases during the previous 4 years in which a witness has testified as an expert, the list contained in SA Berni's CV is more thorough than that which is required since it dates to February 6, 2017.

II. Statement of Opinions, Bases and Reasons

The following is "a complete statement of all opinions that the government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under Rule 16(b)(1)(C), and the bases and reasons for them," Fed. R. Crim. P. 16(a)(1)(G)(iii):

Special Agent ("SA") James "Jay" Berni will testify regarding his analysis of historical cell site and location data of the records and data previously produced and provided to defense counsel for cellular telephone (215) 807-9708. SA Berni will also explain how cellular technology works, including how cell site towers operate and how cellular phones connect with cell site towers. SA Berni will discuss how data concerning cellular phone usage is reflected in

call detail records retained by service providers, such as AT&T (the service provider for cell phone 215-807-9708).

At Defendant’s trial, SA Berni will also explain the methodology used to create his report, which was served on defense counsel on March 10, 2023. Specifically, SA Berni will discuss how the AT&T call detail records were used to create the maps contained in his report. SA Berni will also explain in detail what the mapping in his report reflects. For instance, SA Berni’s testimony will address the phone activity for cellular telephone (215) 807-9708 on: (1) March 19, 2021, between 12:00 AM and 1:55 AM (referred to in SA Berni’s report as the “Elijah Wood Homicide”) and (2) July 17, 2021, between 2:46 AM and 3:41 AM (referred to in SA Berni’s report as the “Anthony Jones Homicide”).

The Government anticipates that SA Berni will testify regarding the content contained on Page 9 of his report, which shows the AT&T cell towers in which cellular telephone (215) 807-9708 connected to on March 19, 2021, between 12:00 AM and 1:55 AM in and around Watkinsville, Georgia. The Government also anticipates that SA Berni will testify about the location of the AT&T towers to the RaceTrac gas station where Elijah Wood was shot and killed (referred to in SA Berni’s report as “Crime Scene”) and Defendant’s suspected residence at the time (referred to in SA Berni’s report as “Potential Residence”).

Additionally, the Government anticipates that SA Berni will testify regarding the content contained on Page 11 of his report, which shows the AT&T cell towers in which cellular telephone (215) 807-9708 connected to on July 17, 2021, between 2:46 AM and 3:41 AM in Philadelphia, Pennsylvania. The Government also anticipates that SA Berni will testify about the location of the AT&T towers to the scene in Philadelphia where Anthony Jones was shot and killed (referred to in SA Berni’s report as “Crime Scene”).

As indicated by his signature below, FBI Special Agent Berni approves of this disclosure which the Government is filing pursuant to Fed. R. Crim. P. 16(a)(1)(G)(v):

  
\_\_\_\_\_  
James "Jay" Berni, FBI Special Agent

Date: 03/27/2023

Respectfully submitted, this 27<sup>th</sup> day of March, 2023.

PETER D. LEARY  
UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF GEORGIA

s/ Michael Morrison  
MICHAEL MORRISON  
Assistant United States Attorney  
Georgia Bar No. 153001  
United States Attorney's Office  
Middle District of Georgia  
Post Office Box 1702  
Macon, Georgia 31202-1702  
Telephone: (478) 752-3511  
E-mail: mike.morrison@usdoj.gov

**CERTIFICATE OF SERVICE**

I, MICHAEL MORRISON, Assistant United States Attorney, hereby certify that on the 27<sup>th</sup> day of March, 2023, I electronically filed the within and foregoing Notice of Intent to Introduce Expert Witness and Summary of Testimony of FBI Special Agent Berni with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

PETER D. LEARY  
UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF GEORGIA

s/ Michael Morrison  
MICHAEL MORRISON  
Assistant United States Attorney  
Georgia Bar No. 153001  
United States Attorney's Office  
Middle District of Georgia  
Post Office Box 1702  
Macon, Georgia 31202-1702  
Telephone: (478) 752-3511  
E-mail: [Mike.Morrison@usdoj.gov](mailto:Mike.Morrison@usdoj.gov)

## CURRICULUM VITAE



### **James "Jay" Berni**

Special Agent  
Federal Bureau of Investigation  
Mobile Division (Auburn RA) – Cellular Analysis Survey Team (C.A.S.T.)  
3371 Skyway Drive, Auburn, Alabama 36830  
Office: (334) 734-8328

## PROFESSIONAL EXPERIENCE

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### **Federal Bureau of Investigation**

#### Special Agent

(October 2007 – Present)

April 2019 – Present (Auburn, AL): Cellular Analysis Survey Team (CAST) National Asset

- Provide cellular record analysis to federal, state, and local law enforcement agencies across the United States, and several overseas countries (Ukraine, Mexico, St. Lucia, and Antigua).
- Assist all levels of law enforcement agencies utilize call detail records and other geolocation information for law enforcement purposes.

January 2018 – April 2019 (Montgomery, AL): Central Alabama Safe Streets Task Force

- Investigate crimes involving illegal drugs, guns, and violence.
- Provide cellular record analysis to federal, state, and local law enforcement in the Southeastern region of Georgia, Alabama, Mississippi, Louisiana, and Florida, to include mapping and analyzing records.

January 2009 – December 2017 (Minneapolis, MN): Safe Streets Violent Gang Task Force.

- Work multiple complex criminal investigations utilizing call detail records, Pen Register/Trap and Trace devices, and other sophisticated techniques, such as Title III investigations.
- Assist and provide cellular record analysis and technological assistance to federal, state, and local law enforcement in the tri-state region of Minnesota, North Dakota and South Dakota, to include mapping and analyzing records. This analysis led to the apprehension of violent criminals (both historical and real-time), evidence recovery, and has helped to corroborate investigations.

October 2007 – January 2009 (Minneapolis/St. Paul, MN): Bank Robbery Coordinator

- Investigated bank robbery cases in the Twin Cities area.
- Coordinated with multiple law enforcement agencies regarding bank robbery investigations in Minneapolis.

Signals Intelligence Officer – U.S. Army  
National Security Agency (NSA)

Fort Meade, Maryland  
(April 2002 – February 2007)

- Worked as a U.S. Army Signals Intelligence Officer. Tracked and located Department of Defense High Value Targets in overseas combat zones using cell phones, satellite phones and other communication devices.

- Received specialized training in radio wave propagation, radio frequency collection, direction finding, device tracking, and analysis.

## EDUCATION

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Auburn University

Auburn, Alabama  
Bachelor of Arts in Criminal Justice – 1998  
Distinguished Military Graduate

## **PROFESSIONAL TRAINING & INSTRUCTION**

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Have received over 400 total hours in the use of cellular telephones in investigations, cellular network setup, and cellular telephone technologies/protocols (GSM, CDMA, UMTS, LTE, 5G) including the following training:

- U.S. Army Signals Intelligence School – Fort Huachuca, AZ (4 weeks, 2002)
- Cellular Analysis & Geo-location – FBI, Potomac, Maryland (3 days, 2010)
- Project Pin-Point (PPP) Cellular Analysis Survey Course – FBI, Philadelphia, PA (3 days, 2014)
- Advanced Project Pin Point – FBI, Philadelphia, PA (1 week, 2015)
- Harris Basic – Harris Corporation, Melbourne, FL (2 weeks, 2015)
  - RF technology company which provides training to government agencies
- Cellular Analysis Survey Team (CAST) Certification Course – FBI, Nashville, TN & Los Angeles, CA (4 weeks, 2016)
  - Four week detailed program reviewing RF technology and propagation, cellular network architecture, and cellular technologies (GSM, CDMA, UMTS, LTE), as well as location based services. Course included extensive training in the JDSU/RAN Advisor/GAR (Gladiator Autonomous Receiver) drive test tools/equipment and practical hands-on applications, as well as legal training. Additionally, all five major cellular service providers (T-Mobile, Sprint, Verizon, AT&T, and US Cellular) had representatives from their legal compliance departments, as well as a cellular engineer, provide in-person and distance presentations and training on their company's respective technologies and equipment.
- CAST Annual Recertification and Training (all major cellular providers) – FBI, San Antonio, TX (1 week, 2017), Orlando, FL (1 week, 2018), New Orleans, LA (1 week, 2019), Mobile, AL (1 week, 2020), Savannah, GA (1 week, 2021), San Antonio, TX (1 week, 2022), and Atlanta, GA (1 week, 2023).
- Instructor for cellular analysis at Child Abduction Rapid Deployment (CARD) training, Mobile, AL (2017) and International Homicide Investigators Advanced Course, Columbus, GA (2019).
- Instructor for the FBI's Basic Historical Cell Site Analysis Course. Students were local, state, and federal law enforcement agencies – FBI, Minneapolis, MN (July 2017) Madison, WI (August 2017) San Antonio, TX (September 2018), Mobile, AL (October 2019), Opelika, AL (November 2019), Knoxville, TN (November 2020), Columbus, GA (November 2021), Atlanta, GA (June 2022), San Juan, Puerto Rico (August 2022), Greenville, AL (September 2022), Oklahoma City, OK (November 2022), and St. Augustine, FL (January 2023).

## **CERTIFICATIONS**

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- FBI Cellular Analysis Survey Team (CAST) Certified Field Asset – 2016

## **COURTROOM EXPERIENCE**

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Testified and accepted as an expert in historical cell site analysis in Forty-two (42) trials in the following state and federal courts:

- Alabama (State Court) – Montgomery, Houston County and Henry County
- Alabama (Federal Court) – Southern District of Alabama, Middle District of Alabama and Northern District of Alabama
- Florida (Federal Court) – Southern District of Florida
- Georgia (State Court) – Cobb County, Dekalb County, Oconee County, and Coweta County
- Georgia (Federal Court) – Northern District of Georgia

- Louisiana (Federal Court) – Eastern District of Louisiana
- Minnesota (State Courts) – Hennepin County and Ramsey County
- Minnesota (Federal Court) – District of Minnesota
- North Carolina (Federal Court) – Middle District of North Carolina
- South Dakota (State Court) – Day County
- Tennessee (Federal Court) – Middle District of Tennessee
- Virginia (Federal Court) – Eastern District of Virginia

| DATE       | CASE NUMBER                      | CASE NAME                                 | DISTRICT/STATE COURT         | STATE |
|------------|----------------------------------|---|------------------------------|-------|
| 2/6/2017   | MN 27-CR-16-28974                | State of MN vs Albert George McIntosh     | Hennepin County              | MN    |
| 6/28/2017  | 3:16-CR-00428                    | USA v Tariq Khalil Jones                  | Middle District of Alabama   | AL    |
| 10/31/2017 | MN 27-CR-15-21028                | State of MN vs Nigeria Harvey             | Hennepin County              | MN    |
| 1/18/2018  | MN 27-CR-17-1879                 | State of MN vs Joshua Ezeka               | Hennepin County              | MN    |
| 1/23/2018  | 1:17-CR-106                      | USA v Lamont Gaines                       | Eastern District of Virginia | VA    |
| 3/29/2018  | MN 62-CR-17-1589                 | State of MN vs Diamond Laray Reynolds     | Ramsey County                | MN    |
| 12/13/2018 | 27-CR-18-14448                   | State of MN vs Dewayne Braswell           | Hennepin County              | MN    |
| 2/6/2019   | CC-2017-0213                     | State of AL vs Steven Nance               | Houston County               | AL    |
| 3/26/2019  | 1:2018-CR-00011                  | USA v Dennis Reinaldo Peralta             | Middle District of Alabama   | AL    |
| 4/12/2019  | CC-2018-0140                     | State of AL vs Herman Cunningham          | Henry County                 | AL    |
| 5/15/2019  | 18-CR-00216                      | USA vs Martavis James                     | District of Minnesota        | MN    |
| 5/20/2019  | 18CRI18-00022                    | State of SD vs Jose Rodriguez             | Day County                   | SD    |
| 10/22/2019 | CC-2018-2561                     | State of AL vs Deandre Hale               | Houston County               | AL    |
| 10/29/2019 | 19-CR-220                        | USA v Jemarkus Thompson                   | Northern District of Alabama | AL    |
| 10/21/2020 | 19-CR-310                        | USA v Stanley Young                       | Southern District of Alabama | AL    |
| 5/5/2021   | CC-2018-000241                   | State of AL vs Willie McLean              | Montgomery County            | AL    |
| 6/17/2021  | 2019-SU-CR-588<br>2019-SU-CR-589 | State of GA vs Dunston, McCabe, and ONeal | Oconee County                | GA    |
| 6/29/2021  | 21-0029                          | State of GA vs Tico Holloway              | Cobb County                  | GA    |



|            |               |  |                                   |    |
|------------|---------------|--|-----------------------------------|----|
| 7/22/2021  | 19-CR-433     | USA v Mapson                             | Northern District of Alabama      | AL |
| 8/30/2021  | 19-CR-267-1   | State of GA vs Malik Nunnally            | Dekalb County                     | GA |
| 9/28/2021  | 19-CR-387-2   | State of GA vs Randy Haynes              | Dekalb County                     | GA |
| 12/1/2021  | 19-CR-230     | USA v Jareece Blackmon                   | Middle District of Alabama        | AL |
| 12/3/2021  | 21-3500       | State of GA vs Juan Sierra               | Cobb County                       | GA |
| 12/9/2021  | 20-CR-2682    | State of GA vs Carey Jackson             | Dekalb County                     | GA |
| 3/16/2022  | 19-CR-3733    | State of GA vs Hussan Chester            | Dekalb County                     | GA |
| 3/22/2022  | 20-CR-2638    | State of GA vs Eric Rodriguez            | Dekalb County                     | GA |
| 3/31/2022  | 2:17-CR-00201 | USA v Curtis Johnson Jr                  | Eastern District of Louisiana     | LA |
| 4/27/2022  | 19-CR-2162    | State of GA vs Angelo Lenon              | Dekalb County                     | GA |
| 5/11/2022  | 18-CR-4331    | State of GA vs Quinten Lee               | Dekalb County                     | GA |
| 7/1/2022   | 20-CR-463     | USA v Antonio Davenport                  | Middle District of North Carolina | NC |
| 7/19/2022  | 21-CR-1591    | State of GA vs Sheldon Ragland           | Dekalb County                     | GA |
| 8/11/2022  | 21-CR-101     | USA v Johnnie Davis                      | Middle District of Alabama        | AL |
| 8/16/2022  | 17-CR-00130   | USA v Meyerholz, Dykes, Boylston, Nelper | Middle District of Tennessee      | TN |
| 8/17/2022  | 18-CR-277     | USA v Cedrick Hill                       | Northern District of Georgia      | GA |
| 8/18/2022  | CC-2018-110   | State of AL vs Travon Williams           | Montgomery County                 | AL |
| 8/30/2022  | 19-CR-1696    | State of GA vs Jawon Mosely              | Dekalb County                     | GA |
| 9/21/2022  | 22-CR1549     | State of GA vs Nathan Jones              | Dekalb County                     | GA |
| 10/26/2022 | 19-CR-2162    | State of GA vs Angelo Lenon              | Dekalb County                     | GA |
| 11/3/2022  | 19-CR-73      | USA v Thaddeus Rhodes                    | Northern District of Georgia      | GA |
| 2/2/2023   | 18-CR-482     | State of GA vs Marcus Daniels            | Coweta County                     | GA |
| 2/9/2023   | 20-CR-439     | USA v Adolfo Mendoza                     | Northern District of Georgia      | GA |

|           |             |                      |                                 |    |
|-----------|-------------|----------------------|---------------------------------|----|
| 2/23/2023 | 22-CR-20320 | USA v Arturo Cabrera | Southern District of<br>Florida | FL |
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*Updated: 3/3/2023 jjb*